



CHRIS CHRISTIE  
Governor

1741

*New Jersey Office of the Attorney General*

Division of Consumer Affairs  
State Board of Veterinary Medical Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

*Lyle Duke*  
*8/2/10*



PAULA T. DOW  
Attorney General

KIM GUADAGNO  
Lt. Governor

March 23, 2010

SHARON M. JOYCE  
Acting Director

**BY CERTIFIED AND REGULAR MAIL**

Wally Wass, D.V.M., PhD, ACVIM  
3024 N. Acacia Way  
Buckeye, Arizona 85396

*Mailing Address:*

P.O. Box 45020  
Newark, NJ 07101  
(973) 504-6500

Re: **I/M/O WALLY WASS, D.V.M., PhD, ACVIM**  
**Complaint Number: 08-078**

**Offer of Settlement In Lieu of Disciplinary Proceeding**

Dear Dr. Wass:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review a complaint it received concerning the professional services you rendered to "Hank" Pallante, then a two (2) month old male Miniature Dachshund, at the All Creatures Great and Small Animal Hospital, Fairfield, New Jersey, in August 2008.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Michael Pallante with the Board on or about August 29, 2008, as well as any and all attachments and exhibits;
2. A correspondence, dated September 12, 2008, from Wally Wass, D.V.M., PhD, ACVIM, as well as any and all attachments and exhibits; and
3. Medical records of "Hank" Pallante.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you violated, as well as failed to comply with, the statutes governing the practice of veterinary medicine and the accompanying regulations, in violation of N.J.S.A. 45:1-21(h), in that you failed to maintain adequate medical records, contrary to N.J.A.C. 13:44-4.9.

The Board's review into this matter revealed that Hank was purchased by Mr. Pallante from Pet Lovers Pet Shop. You examined the dog on August 22, 2008, at the pet shop prior to his purchase, and determined him to be healthy. Four days later, the dog was taken to a private veterinarian who diagnosed Hank with hookworms, coccidia and parvo virus. Hank failed quickly in spite of treatment and died the following day. The owner asserts that you were negligent and/or failed to properly diagnose Hank's condition during your August 22<sup>nd</sup> examination.

The Board has concluded, following its review of the complaint and the other submitted documentation, that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Hank. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted in this matter. The Board concluded, in its review of the patient records of Hank, that your records failed to contain important and required information relative to the veterinary services provided to the dog while at the pet store.

Specifically, the Board finds that the records did not contain: 1) the name of the facility and identification of the treating licensee; 2) all pertinent symptoms and signs observed, including, but not limited to; no record of physical examination findings, including patient weight, temperature and no mention of any organ system observations, etc.; and 3) the treatment or treatment plan prescribed, namely, no dosage recorded of medications given for parasites. The Board finds that the creation of medical records that comply with its record rule is required for all patients regardless of the location where a veterinarian treats his patients. The Board has concluded that your failure to maintain adequate records constitutes a violation of N.J.A.C. 13:44-4.9.

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violating the mandates of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:44-4.9, by maintaining records of your patients that contain information required by the applicable regulation;

2. Pay a penalty in the amount of \$1,000.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and the record keeping regulation, N.J.A.C. 13:44-4.9(a).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

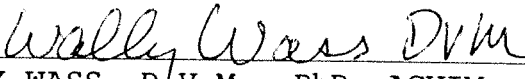
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By:



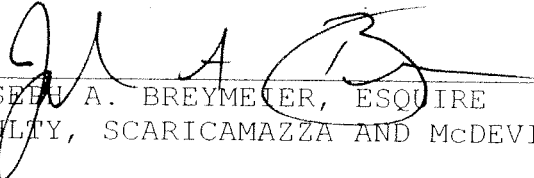
LESLIE G. ARONSON  
Executive Director

ACKNOWLEDGMENT: I, WALLY WASS, D.V.M., PhD, ACVIM, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the total amount of \$1,000.00. I also agree to adhere to the other provisions enumerated in this settlement letter.

  
WALLY WASS, D.V.M., PhD, ACVIM

DATED:

Consent as to form and entry of Order.

  
JOSEPH A. BREYMEYER, ESQUIRE  
NAULTY, SCARICAMAZZA AND McDEVITT, LLC

cc: Deputy Attorney General Olga E. Bradford